County Auditor's Form #187-B Harris County, Texas

BEVERLY B. KAUFMAN, COUNTY CLERK



# **Non-Certified Copy Order**

NON-CC# NH 22884

FEE OFFICER'S OFFICIAL RECEIPT FOR COPY OF RECORDS
County Civil Courts Department (713)755-6421

Tracer No.: 6 36020

Order	GERBER I	AW FIRM	Phone: (713) 662-9191						
Placed By							Pick Up 🗹	at CCL	
Address							Mail 🔲	•	
or Notes							Call 🔲		
Fee Comments	CCCL						Fax 🗆		
,								Occu. Lic.	
No. of Inst.	Ordered	6			Total Fee	\$ 11.00	Date Paid	12/14/10	
No. of Pgs. Ordered 11 Fee at \$1 per Page \$11.00			\$ 11.00	Total Tee	3 11.00	Time Ordered	9:28 am		
Fees Assessed By Elizabeth Lopez, Deputy				Picked Up By					
Check or Money Order Order #: 0				Payment Type: Cash					

-	Non Certified Copies						
Crt #		Name of Record	File Date	Docket No.	Name of Record	Film Code No.	# Pgs.
. ,2	1	ORDER	20101214	977683	DOCKET SHEET	000000000	1
2	1	CIT ISS	20101116	977683	VICENTE CORTEZ VS PHARIA LLC	787986096	1
2	1	CSH RECPT	20101115	977683	CR #710579 AMT \$204.00 PAID BY THE TREVINO LAW FI	787980203	1
2	1	INFO SHT	20101112	977683	CIVIL CASE INFORMATION SHEET	787980211	1
2	. 1	AFFT	20101112	977683	PAUPERS AFFIDAVIT	787980209	2
2	1	CD	20101112	977683	PLTF ORIGINAL PETITION FILED CONTRACT CONSUMER CO	787980204	5

NOV 1 2 2010

CAUSE NO. 977683

FILED 10 November 12 P3 Beverly Kaufman County Clerk Harris County

VICENTE CORTEZ

vs. 382071

PHARIA, L.L.C.

IN THE COUNTY CIVIL COURT

AT LAW NUMBER \_\_C.C.C.L. #

HARRIS COUNTY, TEXAS

# ORIGINAL PETITION

8

COMES NOW, VICENTE CORTEZ, Plaintiff, and files this Original Petition, and by way of such Petition would respectfully show the Court:

## I. LEVEL TWO CASE

The damages caused to Plaintiff in this matter exceed \$50,000. Accordingly, the Plaintiff requests that this case be designated as a level two case for discovery purposes pursuant to Texas Rules of Civil Procedure §190 et. seq.

## II. PARTIES

VICENTE CORTEZ is an individual resident of Houston, Harris County, Texas with Social Security number XXX-XX-X902 and Texas Drivers License number XXXXXX753.

Based upon information and belief, Defendant, PHARIA, L.L.C., is a Delaware corporation doing business in the State of Texas. Service of citation upon Defendant may be had by delivery to its registered agent CT Corporation System, 360 North St. Paul St., Dallas, Texas 75201.

# **III. JURISDICTION AND VENUE**

This Court has subject matter jurisdiction over Plaintiff's causes of action for violations of the Fair Debt Collection Practices Act (FDCPA). Pursuant to § 15.002 (a)(3) of the Civil Practice & Remedies Code, venue is proper in Harris County, Texas. These causes of action are field before this court on appeal from a judgment rendered in Precinct 4, Place 1 of Harris

County, Texas bearing Cause No. CV41C0173244.

#### IV. BACKGROUND FACTS

Plaintiff complains of Defendant, PHARIA L.L.C. for violation of the Fair Debt Collection Practices Act. 15 U.S.C. § 1692 et seq. Specifically, Defendant, PHARIA L.L.C. filed suit styled Cause No. CV41C0173244, Pharia, LLC v. Vicente Cortez, In the Justice Court, Precinct 4, Place 1, Harris County, Texas against Plaintiff after statute of limitation had expired.

Plaintiff further complains of Defendant, PHARIA, L.L.C., N.A. for violation of the Fair Debt Collection Practices Act. Pharia used false representations in its attempt to collect an alleged debt in violation of 15 U.S.C. §1692e(5) and 15 U.S.C. § 1692f(1). Specifically, Defendant demanded from and then sued Plaintiff the sum of \$2,741.69 when the true amount of the alleged debt was never more than \$2,303.16. Following trial to the Bench, Pharia was awarded a judgment in the amount of \$1,459.73 against Plaintiff and dismissed the counter claims against Pharia.

#### V. Causes of Actions

A. Pharia violated 15 U.S.C. §1692e(5) and 15 U.S.C. § 1692f(1). Said conduct was a direct, proximate, and producing cause of damage to Plaintiff.

#### VI. Damages

As a result of Defendant's willful actions and omissions, Plaintiff was damaged in an amount in excess of the Court's minimum jurisdiction. Plaintiff seeks statutory damages in the amount of \$3,000.00, actual damages for mental anguish in the amount of \$5,000.00, punitive damages, reasonable and necessary attorneys fees in the amount of \$1,000.00, costs of court, legal expenses, and pre- and post-judgment interest.

#### **CONCLUSION**

WHEREFORE, PREMISES CONSIDERED, VICENTE CORTEZ respectfully requests that, upon trial of this matter, he be awarded the economic and statutory damages produced and proximately caused by Defendant's violations of the FDCPA, reasonable and necessary attorney's fees, legal expenses, cost of Court and pre- and post-judgment interest. Plaintiff further prays for any other and further relief, at law and in equity, to which he may show himself to be justly entitled.

Respectfully submitted,

TREVIÑO LAW FIRM

Lu Ann Treviño

Texas Bar No. 24008180

13201 Northwest Freeway, Suite 800

Houston, Texas 77040

(713) 341-7550 - Telephone

(888) 896-2102 - Fax

ATTORNEY FOR DEFENDANT

#### **CERTIFICATE OF SERVICE**

I certify that on the 121 day of November 2010, a true and correct copy of the foregoing instrument was delivered to all parties and counsel of record by facsimile transmission.

Lu Ann Treviño

Via Facsimile: (206) 269-3493

Jason D. Anderson Weinstein & Riley, P.S. 2001 Western Avenue. Suite 400 Seattle, WA 98121

# **VERIFICATION**

THE STATE OF TEXAS COUNTY OF HARRIS

Before me, the undersigned authority, on this day personally appeared VICENTE CORTEZ, who being by me duly sworn upon his oath deposed and said that he has read the above and foregoing Original Petition and that the factual assertions contained therein are within his personal knowledge and are true and correct.

VICENTE CORTEZ

SUBSCRIBED AND SWORN TO BEFORE ME on this 12th day of November 2010.



Notary Public in and for The State of Texas

My Commission Expires: 4/28

/

# 8020-86-282

# OFFICE OF BEVERLY B. KAUFMAN, COUNTY CLERK, HARRIS COUNTY, TEXAS P. O. BOX 1525 HOUSTON, TEXAS 77251-1525

· Docket No.	
Vicente Cortez	
	County Civil Court
Plaintiff vs.	At Law No
Pharia, L.L.C.	
Defendant	
☑ Alias Citation ☐ Amended Citation	
(Address for service): CT Corporation System, 360 North St. Paul St.,	
Dallas, Texas 75201	<u> </u>
□ Rule 106 Citation	
□ Abstract of Judgment	
□ Writ of Execution	
☐ Writ of Execution and Order of Sale	
□ Writ of Possession	
□ Certificate of Dormant Judgment	
□ Certificate of Transfer	
□ Certificate of No Appeal	
□ Bill of Costs	
□ Jury Fee	
Deposit into Registry of Court	
Other Services	
REQUEST MADE BY	
(Name) Lu Ann Trevino	
(Address) 13201 Northwest Freeway, Suite 800, Houston, TX	77040 713-341-7550 (Zip Code)
(Phone Number) 713-341-7550	
	equest is to be:  Mailed Picked up by:
	TO ALL MANAGEMENT AND AND INC.

Form No. H-02-23 (Rev. 01/29/09)

RECORDER'S MEMORANDUM:
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts additions and changes were present at the time the instrument was filed and recorded.

-020 0 1

NOV 12 2010

977683

THIS DATE

CAUSE NO. CV41C0173244

382072

PHARIA L.L.C. Plaintiff,

IN THE JUSTICE COURT

C.C.C.L. #2

VS.

PRECINCT 4, PLACE 1

VICENTE CORTEZ AKA VICENTE **CORTES** 

Defendant,

HARRIS COUNTY, TEXAS

## PAUPER'S AFFIDAVIT

THE STATE OF TEXAS COUNTY OF HARRIS

Ş

BEFORE ME, the undersigned authority, personally appeared Vicente Cortez, who, being by me duly sworn, deposed as follows:

"My name is Vicente Cortez and I am the Defendant in this cause. I am over twenty-one years of age, capable of making this Affidavit, have never been convicted of a crime of moral turpitude, and have personal knowledge of the facts herein stated and all facts are true and correct.

"Pursuant to the Property Code section 24.0052 attached is "Exhibit A" outlining the requirements for the Pauper's Affidavit.

I reaffirm that I am unable to afford the costs of litigation and I verify that the financial statement is true and correct."

Further affiant saith not.

SUBSCRIBED AND SWORN TO BEFORE ME on this

lotary Public, State of Texas My Commission Expires April 28, 2014

Notary Public in and for The State of Texas

# "Exhibit A" Pauper's Affidavit: Financial Statement

A.	Gross 1. 2. 3. 4. 5. 6. 7.	Money Received per montogross Wage & Salary Incomessions, Tips and E Self-Employment Income Rental Income Any Governmental Assis Other Income:	come for Applications for Spous Bonuses tance/income	e (if a	oplicable) OTAL INCOME:	\$ 2,00000 \$ [600.00] \$ [8 [8 [8 [8 [8 [8 [8 [8 [8 [8 [8 [8 [8
В.	Total I	Money needed per month f	for living. For it	tems v	which are not paid m	onthly, express
		n monthly averages:			<b>.</b>	
	1.	Rent or House Payment	\$371.53	14.	Gasoline/Vehicle	\$ <u>400</u>
	2.	Real Property Tax	\$2,133/1/	a)15.	Clothing & Shoes	\$100.00
	3.	Residence maintenance	\$ 301 25.	ov 16.	Insurance Car	\$117.00
	4.	Insurance/Home	\$	17.	Insurance Life	\$
	5.	Utilities/Gas	\$ 25.00		Insurance Health	\$ 88.00
	6.	Utilities/Phone	\$100.00		Child Card	\$
	7.	Utilities/Garbage	\$62.00	20.		
	8.	Utilities/Electric & Water		21.		\$ 16.00
	9.	Groceries	\$320.00	22.	Cable TV & News	paper \$
	10.	Meals away from Home	\$	23.	Entertainment	\$
	11.	School Lunches	\$20.00	24. 25	Medical	\$ 70.00
	12. 13.	Dental/Ortho Child Support Payments	\$60.00	25. 26.	Laundry Other: Airlo Loa	\$ 30.00 U \$ 418.48
			ь <u> </u>	TC	TAL EXPENSES:	2462.48
C.	Amou	nt of Money in Checking A	Account: #9	0.00	Bank Holding Ac	ct: CHASE
D.	Amou	nt of Money in Savings Ac	count:(		_ Bank Holding Ac	ct:
E. of a tra	Lişt an ade, or p	y real property owned by personal effects)	the Applicant (	other t	hen household furni	shings, clothing, and too
				~···		)
						•
F.	DEPE	NDANTS				
Denen	dante N	ame: JAMelli Corte	- Aae	. 9	Resides: 12239	Kingslake forest
Depen	dants N	ame: NHTHAN V. Co	vte)Age	: <u>6</u>	Resides: Houston Resides:	TX 770YY
F	•				Al the RECOR	

RECORDER'S MEMORANDUM:

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# CASE STORY OF THE PAGE 1-2 Filed on 12/17/10 in TXSD Page 9 of 12

## CIVIL CASE INFORMATION SHEET

C.C.C.L. #2

TONIS AND AVER CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

Vicente Cortez vs. Pharla L.L.C.

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

supplementation, and it is not adm	issible at trial.	1	•	constitute a discovery request, response, or	
12 Contact information for person	on completing case information a	teet: Names of parties i	Transition (Constitution)	Person or entity completing sheet us co	
Name:	Email:	Plaintiff(s)/Petition		Attorney for Plaintiff/Petitioner  Pro Se Plaintiff/Petitioner  Title IV-D Agency  Other:	
Lu Ann Trevino	latrevino@trevino-law.co	,			
Addraga	Talanhana				
Address: 13201 Northwest Frwy, Ste. 80	Telephone:	1		Additional Parties in Child Support Case:	
13201 Northwest Flwy, Ste. 6t	713) 341-7550	Defendant(s)/Respo	endent(s):	Custodial Parent:	
City/State/Zip:	Fax:	Pharia LLC		Canonia Lavin.	
Houston, TX 77040	(888) 896-2102			Non-Custodial Parent:	
Signature:	State Bar No:	<del></del>	<del></del>		
I war men	24008180		<del></del>	Presumed Father:	
			necessary to list all parties]	***************************************	
231ndlcate;case:type; or, identify	the most important issue in the c	ate (select only 1) has seen		Family Law	
				Post-judgment Actions	
Debt/Contract		Real Property	Annulment	onship (	
☐Consumer/DTPA ☐Debt/Contract	Construction Defamation	Condemnation	Declare Marria		
Fraud/Misrepresentation	Malpractice	☐Partition ☐Quiet Title	□With Childre		
Other Debt/Contract: Consumer/FDCPA	☐Accounting ☐Legal	☐Trespass to Try Title ☐Other Property:	□No Children	Enforcement/Modification	
Foreclosure	☐ Medical		_	☐ Patemity ☐ Reciprocals (UIFSA)	
☐ Home Equity—Expedited ☐ Other Foreclosure	Other Professional	į		Support Order	
Franchise	Liability:	Related to Griminals	<b>683888</b>		
Insurance	Motor Vehicle Accident	Matters Expunction	Other Family		
Landlord/Tenant Non-Competition	☐ Premises Product Liability	☐Judgment Nisi	Judgment	Termination 29	
Partnership	Asbestos/Silica	□Non-Disclosure □Scizure/Forfeiture	☐Habeas Corpus ☐Name Change		
Other Contract:	Other Product Liability List Product:	Writ of Habeas Corpus—	- ☐Protective Ord	er Wilcustody or Visitation	
		Pre-indictment	Removal of Di	XOE Gennandrent Access No.	
,	Other Injury or Damage:		Other:	② Parchiage/Paternity  ☑ Termination of Parental:	
		· ·		Termination of Parental	
	Outer		<b>%</b>	(Cother Parent-Child:	
☐ Discrimination ☐ Retaliation	Administrative Appeal Antitrust/Unfair	Lawyer Discipline Perpetuate Testimony	1	**************************************	
Termination	Competition	Securities/Stock			
☐ Workers' Compensation ☐ Other Employment:	☐Code Violations ☐Foreign Judgment	☐ Tortious Interference ☐ Other:	_1	FILED	
	Intellectual Property	,		AT DE STOCK P	
		Probate &	Mental Health	Lung Boll	
☐ Tax Appraisal	Probate/Wills/Intestate Administ		Guardianship—Adul		
☐ Tax Delinquency ☐ Other Tax	☐ Dependent Administration ☐ Independent Administration		☐Guardianship—Mine ☐Mental Health	A LLAW COURTS	
	Other Estate Proceedings		Other:	BALLAVIOUN INLAURO	
	2011	TO THE SECOND OF			
33: Indicate procedure or remedy Appeal from Municipal or Just	(flapplicable (may select more il	tory Judgment		Igment Remedy	
Arbitration-related	☐ Garnish	iment	Protec	tive Order	
☐Attachment ☐Bill of Review	☐Interple☐License	RECORDER'S ME	Seque	stration	
Certiorari	☐Mandår	RECORDER'S MEM if the time of recordation, to be inadequate for the demonstration because	DIANDUM Temp	orary Restraining Order/Injunction	
Class Action	☐ Post-jū	ignaniction because for th	e host photography	VCT	

additions and changes were present at the time

#### BEVERLY B. KAUFMAN, COUNTY CLERK FEE OFFICER'S OFFICIAL RECEIPT

0710575 11/15/2010 CIVIL \$204.00 CIVIL



County Civil Courts Department (713) 755-6421 0071436

Date: 11/15/2010

Receipt No:7105

\$ 204.00

Received From: THE TREVINO LAW FIRM

Docket No:977683 Sub:001 Court No:2

Plaintiff: CORTEZ VICENTE

VS

Defendant: PHAIRA LLC

DISTRIBUTION CATEGORY			MEMORANDA
County Clerk	45.00	CC	Pet.Filed 1 Cit.(s) to be issue
Law Library	15.00	LL	out of county
Electronic Filing	2.00	EF .	Return to Attorney
Dispute Resolution Fund	10.00	CT	EFILE
Appelate Judicial Fund	5.00	AJF	SERVICE COPY FEES 1.00
Court Reporter Fee	15.00	CRF	
Judicial Maintenance	40.00	JM	
Court Records Management	5.00	RMP	
Security Fee	5.00	SF	
Indigent Legal Service	10.00	ILS	
Judicial Support	42.00	JS	
Court Records Preservation	10.00	CRP	

Total Received

204.00 Credit Card Type [VISA] 7183 / EC3082

Beverly B. Kaufman, County Clerk and Clerk of County Civil Courts at La Harris County, Texas

FEES ASSESSED BY MICHELLE ANN GARZA , Deputy

THE TREVINO LAW FIRM 13201 NORTHWEST FWY SUITE 800 HOUSTON, TX 77040 P. O. BOX 1525 • HOUSTON, TEXAS 77251-1525 • (713) 755-6421 COUNTY CIVIL COURTS DEPARTMENT

DO NOT WRITE OR STAMP IN THIS SPACE

DOCKET NUMBER: 977,683

RECEIPT NUMBER: OOC NO SHERIFF/CONSTABLE FEE COLLECTED

FOR COUNTY CLERK USE ONLY

VICENTE CORTEZ

383575

PLAINTIFF

VERSUS

IN COUNTY CIVIL COURT AT LAW NO. 2, 201 CAROLINE / SUITE 517 HOUSTON, HARRIS COUNTY, TEXAS 77002

PHARIA, L.L.C.

DEFENDANT

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THE STATE OF TEXAS

#### ORIGINAL PETITION CITATION

TO: PHARIA, L.L.C. IS A DELAWARE CORPORATION, BY DELIVERING TO ITS REGISTERED AGENT CT CORPORATION SYSTEM

360 NORTH ST. PAUL ST., DALLAS, TEXAS 75201

ATTACHED IS A COPY OF PETITION .

THIS INSTRUMENT WAS FILED ON THE 12TH DAY OF NOVEMBER, 2010, IN THE ABOVE CITED CAUSE NUMBER AND COURT. THE INSTRUMENT ATTACHED DESCRIBES THE CLAIM AGAINST YOU.

YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR YOU HAVE BEEN SUED. ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE COUNTY CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

ISSUED AND GIVEN UNDER MY HAND AND THE SEAL OF SAID COURT, AT HOUSTON, TEXAS, THIS, 16TH DAY OF NOVEMBER, 2010.

(SEAL)

COUNTY CLERI BEVERLY B. KAUFMAN COUNTY CIVIL COURT AT LAW NO. 2, 201 CAROLINE, ROOM 300

AMANDA L DAIGLE

DEPUTY COUNTY CLERK

HARRIS COUNTY, TEXAS

REQUESTED BY: TREVINO LAW FIRM LU ANN TREVINO 13201 NORTHWEST FRWY., STE.800 HOUSTON, TEXAS 77040

1 OF 1

	County Civil Courts at Law Department  ** 977683*	9
	DATE	<b>7 7</b>
		6 8
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	DOCKET SHEET	